

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2503-1036 Lake Pūkaki Hydro Storage and Dam Resilience Works

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	12 August 2025

Number of attachments: 7	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Relevant Treaty settlement provisions - Statutory Acknowledgement for Lake Pūkaki Excerpt from Deed of Recognition for Lake Pūkaki Comments received from invited Māori groups Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2503-1036 Lake Pūkaki Hydro Storage and Dam Resilience Works referral application.
- The applicant, Meridian, is seeking consents to temporarily ease access restrictions on contingent water storage. They also seek approval to permanently install rock armouring at Pūkaki Dam. The project will involve approvals under the Resource Management Act 1991 (RMA) – for works in a lakebed and discharges to water and air – and the Wildlife Act 1953 (wildlife authority). Relevant land titles are held by the applicant and Land Information New Zealand (LINZ).

3. Section 18(2) of the Act requires that this report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Te Rūnanga o Ngāi Tahu, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki as relevant Treaty settlement entities, and Aoraki Environmental Consultancy Limited and Aukaha (owned by the relevant Papatipu Rūnanga) as other Māori groups with relevant interests in the application.
4. We have identified the Ngāi Tahu Claims Settlement Act 1998 as relevant to the project area. The project area is not in the common marine and coastal area, and no Mana Whakahono ā Rohe or joint management agreements are relevant to the project area.
5. The Treaty settlement Act provides for a statutory acknowledgement and a deed of recognition over Lake Pūkaki, which encompasses most of the project area. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
6. We consider the process of inviting comment (including providing information about the application) from Te Rūnanga o Ngāi Tahu under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements. Similarly, the process of inviting comment is also comparable with some of the procedural requirements of the deed of recognition. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Lake Pūkaki.
7. Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki provided joint feedback as 'Kā Rūnaka', along with comments from Te Rūnanga o Ngāi Tahu. Their comments emphasised the importance of Lake Pūkaki and its environs due to significant cultural, spiritual, historic, and traditional associations the area holds for Ngāi Tahu. Kā Rūnaka and Te Rūnanga o Ngāi Tahu have a neutral position on the proposal, as further consultation by the applicant is required before they can form a view. In particular, Te Rūnanga o Ngāi Tahu noted that the applicant has not identified the potential effects on their nohoanga entitlement.
8. The Minister for Māori Development and Minister for Māori Crown Relations support the application subject to the applicant further consulting with Kā Rūnaka and Te Rūnanga o Ngāi Tahu, acting consistently with the statutory acknowledgement and deed of recognition over Lake Pūkaki, and addressing the potential impacts of the application on Te Rūnanga o Ngāi Tahu's nohoanga entitlement.
9. We do not consider there are any matters identified in section 18 which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Ilana Miller
General Manager – Delivery and Operations

Introduction

10. Under section 18 of the Fast-track Approvals Act 2024 (the Act), you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
11. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. Meridian is seeking consents to temporarily ease access restrictions on contingent storage, allowing it to operate at lower levels over the next three winters, a period of potential electricity shortages. They also seek approval to permanently install rock armouring at Pūkaki Dam to ensure the structure's resilience to wave erosion when operating the lake at lower levels. The project will involve approvals under the RMA (land use consent, discharge permit, water permit) and the Wildlife Act 1953 (handling/relocation of lizards).
14. Meridian owns land and the bed of Lake Pūkaki in the vicinity of, and including, the Pūkaki Dam, and holds an easement in gross over the bed and margin of the remainder of the lake, granted by LINZ. We have provided a location map at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

15. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

16. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu.

Treaty settlement entities

17. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:
 - (a) a post-settlement governance entity (PSGE):
 - (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:
 - (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

(d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

(e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

18. We have identified the following relevant Treaty settlement entities for this project area:

- a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;
- b. Te Rūnanga o Arowhenua, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998;
- c. Te Rūnanga o Waihao, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998; and
- d. Te Rūnanga o Moeraki, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

Groups mandated to negotiate Treaty settlements

19. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi/the Treaty of Waitangi have been settled in respect of the project area.

Takutai Moana groups and ngā hapū o Ngāti Porou

20. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.
21. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through customary management areas

22. The project area is not within a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

23. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:
- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
 - b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.
24. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

25. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.
26. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

27. We consider the following entities, owned by the relevant papatipu rūnanga, as other Māori groups that may have relevant interests in the application, as they may represent the papatipu rūnanga on environmental and other policy matters in the project area:
- a. Aoraki Environmental Consultancy Limited (owned by Te Rūnanga o Arowhenua); and
 - b. Aukaha (owned by Te Rūnanga o Waihao, Te Rūnanga o Moeraki, and three other papatipu rūnanga).

Consultation undertaken by the applicant

28. The applicant advises they have consulted with Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

29. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
30. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
- a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

31. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below:

Crown acknowledgements and apologies

32. Through a series of acknowledgements and an apology to Ngāi Tahu, the Crown acknowledged its historical actions that breached te Tiriti o Waitangi/the Treaty of Waitangi. The Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in

fulfilment of its Treaty obligations, the Crown recognised Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu Whānui.

33. The Crown apology also stated that the Crown intended to atone for these acknowledged injustices, and to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu. The redress provided in the Ngāi Tahu settlement should be viewed in the context of these intentions.

Statutory acknowledgement

34. As one of the first comprehensive settlements of historical claims, the Ngāi Tahu settlement pre-dated some of the redress mechanisms which have subsequently been developed for use in later settlements to provide for participation by iwi and hapū in decision-making over natural resources. However, the Ngāi Tahu settlement was the first settlement to include statutory acknowledgements, which are an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area').
35. The project area is directly situated at Lake Pūkaki which is subject to a statutory acknowledgement established under Schedule 34 of the Ngāi Tahu Claims Settlement Act 1998.
36. Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:
- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.¹
37. The holder of a statutory acknowledgment may also cite the statutory acknowledgment as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environmental Protection Authority (EPA), board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
38. We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Te Rūnanga o Ngāi Tahu and the relevant papatipu rūnanga, as the relevant Treaty settlement entities, to comment on the application, and their feedback is summarised below. Should you accept this referral application, these groups will also be invited for comment by the panel under section 53(2)(c) of the Act.
39. For your reference, we have provided the statutory acknowledgement provision for Lake Pūkaki from the Ngāi Tahu Claims Settlement Act 1998 at **Attachment 4**.

¹ In addition to consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga must also have regard to statutory acknowledgements in relation to some of their processes.

Deed of recognition

40. In addition to the statutory acknowledgement, Te Rūnanga o Ngāi Tahu have a deed of recognition with the Commissioner of Crown Lands (LINZ) over Lake Pūkaki. A deed of recognition may be entered into between a PSGE and the Crown agency managing any statutory area for which a statutory acknowledgment has been agreed.
41. Under section 213 of the Ngāi Tahu Claims Settlement Act 1998, a deed of recognition requires the relevant Crown agency to consult with, and have particular regard to the views of Te Rūnanga o Ngāi Tahu concerning the management or administration of the statutory area.
42. We note the applicant proposes to undertake works in the bed of Lake Pūkaki and holds a deed of grant of easement for Lake Pūkaki, which allows the rock armouring and other activities to be undertaken by the applicant within the deed of recognition area administered by the Commissioner of Crown Lands.
43. Under clause 3.1 of the deed of recognition for Lake Pūkaki, Te Rūnanga o Ngāi Tahu must be consulted and particular regard had to its views concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to those parts of the lake bed within the deed of recognition area that are administered by the Commissioner of Crown Lands:
 - a. the consideration of any application to the Crown for any rights for use or occupation (including any renewals) in relation to the Area, including the terms and conditions of rights of use or occupation.
44. In order to enable Te Rūnanga o Ngāi Tahu to fulfil its role under clause 3.1, clause 3.3 of the deed of recognition requires the Crown to inform Te Rūnanga o Ngāi Tahu of any applications to the Crown for rights or use or occupation in relation to the Area, and provide Te Rūnanga o Ngāi Tahu with relevant information to enable it to consider and advise its views to the Crown on any matter on which it is consulted.
45. Notwithstanding the easement held by the applicant, our view is that the referral application may be considered 'an application to the Crown' in the context of the deed of recognition over Lake Pūkaki.²
46. Section 16 of the Act requires the Minister to comply with any applicable procedural requirements in a Treaty settlement. We consider that the process of inviting comment from Te Rūnanga o Ngāi Tahu on the application under the Act (including providing information about the application) is comparable to the deed of recognition consultation process set out at paragraph 44. However, to comply fully with the procedural requirements of the deed of recognition, you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Lake Pūkaki outlined in clause 2 of the deed of recognition (refer to **Attachment 5** for the relevant excerpts from the deed of recognition).

Nohoanga Entitlement

47. The Ngāi Tahu Claims Settlement Act 1998 provides for a one-hectare Lake Pūkaki Nohoanga Entitlement adjoining the lake shoreline near the eastern end of Pūkaki Dam. Nohoanga entitlements were established under the Ngāi Tahu settlement to provide

² We note that the deed of grant of easement provides the applicant "the right to store and retain water within the operating levels established from time to time under the terms of resource consents or other statutory or regulatory consents or approvals..."

seasonal occupation sites for traditional practices of gathering food and other natural resources.

48. Under section 260(5)(b) of the Ngāi Tahu Claims Settlement Act 1998, the landholding agency for the nohoanga entitlement land, in carrying out land and water management practices relating to that land, must notify Te Rūnanga o Ngāi Tahu of any activity which may affect the holder. We understand that the land in question is held by LINZ.
49. Based on the referral application documents, it is not clear whether the proposed project will directly affect the nohoanga entitlement land (e.g. temporary use of the area as part of the rock armouring works). It is also possible that the application will have implications for the wider purpose and use of the nohoanga entitlement, as it will involve changes to lake levels. While Te Rūnanga o Ngāi Tahu have been notified of the application by being invited to comment, the nohoanga entitlement underscores the importance of Lake Pūkaki to Ngāi Tahu in terms of maintaining customary practices and their deep connections to the area.

Taonga species

50. The Crown has also acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, and have particular regard to, the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species.
51. While the application seeks an approval under the Wildlife Act 1953 for the handling/relocation of lizards, these species are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998. Several taonga species are found at Lake Pūkaki, such as kakī/black stilts (nationally critical), pārerā/grey ducks (nationally critical), tara pirohe/black fronted terns (nationally endangered), and kāmana/southern crested grebes (nationally vulnerable).
52. The applicant indicates that exposed shoreline resulting from lake drawdown could affect important bird habitats on the Tasman Delta that support breeding and overwintering of kakī/black stilts and tara pirohe/black fronted terns. The applicant further notes that impacts to native birds could occur if rock armouring works take place during the peak breeding season (September to December). The 12-week period planned for these works in winter would need to be completed by August to avoid overlapping with the breeding season.
53. Although the settlement provisions regarding taonga species do not place any obligations on you, or any subsequent panel should you accept the referral application, in relation to the approvals being sought by the applicant, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take taonga species into consideration.
54. We also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

55. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

56. As noted above, the project area is not within a Taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

57. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Summary of comments received and advice

Comments from invited Māori groups

58. Pursuant to section 17(1)(d) of the Act, on 3 June 2025, you invited written comments from the Māori groups identified above in paragraphs 16, 18 and 27 from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.

59. You received comments on the application from four Ngāi Tahu entities in the form of a joint response from Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki, and a response from Te Rūnanga o Ngāi Tahu. The comments can be summarised as follows:

Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki

- a. Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki collectively referred to themselves as Kā Rūnaka and affirmed that they hold mana whenua and mana moana over the takiwā in which the project is located. Kā Rūnaka observed that:
 - i. Lake Pūkaki and the Waitaki catchment is steeped in cultural and spiritual significance. The Lake Pūkaki catchment is identified as a Rūnanga Sensitive Area, and the lake is a Statutory Acknowledgement Area due to its significant cultural, spiritual, historic, and traditional associations for Ngāi Tahu. Iwi, hapū and whanau have an immense sense of belonging and connection to the area, which includes mahika kai, taonga species, and sites of archaeological importance including rock art sites, pā and urupā.
 - ii. The application indicates potential for adverse effects relating to cultural values, air quality, water quality, ecology, groundwater, visual and landscape effects, erosion and dam integrity, which are of interest and importance to Kā Rūnaka.
 - iii. Meridian sent a letter to the Chairs of Kā Rūnaka on 24 February this year requesting initial feedback by 14 March. No feedback was provided at that time and no further contact has been made by Meridian to Kā Rūnaka in relation to the Project. Kā Rūnaka have not directly discussed the project, or had regular consultation, with Meridian regarding this application. Kā Rūnaka therefore consider that further consultation is required in order to form a view on, and input into, the project.
 - iv. Kā Rūnaka are neutral as to whether the application ought to be referred to the Fast-track process, noting that the proposed lake draw-down cannot be progressed through an ordinary consenting process as a prohibited activity, and the national importance of Lake Pūkaki for electricity supply.

Te Rūnanga o Ngāi Tahu

60. Te Rūnanga o Ngāi Tahu (Te Rūnanga) restated that the Crown's apology in the Ngāi Tahu settlement recognised Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui. Te Rūnanga o Ngāi Tahu observed that:

- i. Te Rūnanga o Ngāi Tahu has a neutral position on the project being allowed to go through the fast-track approvals process.
- ii. Te Rūnanga o Ngāi Tahu supports the comments made by Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki, and Te Rūnanga o Waihao.
- iii. Lake Pūkaki is important to Ngāi Tahu for mahinga kai. Knowledge of the traditional trails, utilisation of resources associated with the area, and the relationship of people with Pūkaki, continue to be held by whānau and hapū and remain important today.
- iv. The importance of the area for mahinga kai is recognised in the Ngāi Tahu settlement through the allocation of land for the Lake Pūkaki Nohoanga Entitlement. The application identified the Statutory Acknowledgment in relation to Lake Pūkaki but not the nohoanga entitlement. The entitlement has not been discussed in relation to potential effects on cultural values.
- v. Under the settlement, nohoanga entitlements enable Ngāi Tahu Whānui to temporarily occupy land (camp) close to waterways to have access for fishing and gathering of natural resources within an area wider than just the land parcel where the entitlement is located. The project is situated within that wider area, including the Lake, which those utilising the entitlement would use for mahinga kai.
- vi. The entitlements can be used by Ngāi Tahu Whānui from 16 August to 30 April the following year. The application indicates works are likely to occur in winter but given the estimated 12 weeks for the rip rap (rock armouring) works, there is a potential for an overlap of the rip rap works.

Consultation with departments and Ministers

61. In preparing this report, we are required to:

- a. consult relevant departments; and
- b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).

62. We sought advice from Te Puni Kōkiri regarding the relevant Māori groups, and have incorporated their views into this report.

63. The Minister for Māori Development and the Minister for Māori Crown Relations support the application subject to:

- a. the applicant undertaking further consultation with Kā Rūnaka and Te Rūnanga o Ngāi Tahu, acknowledging that Lake Pūkaki is steeped in cultural and spiritual significance;
- b. the applicant acting consistently with the intent of Te Rūnanga o Ngāi Tahu's statutory acknowledgement and deed of recognition over Lake Pūkaki; and
- c. the applicant addressing the potential impacts of the application on Te Rūnanga o Ngāi Tahu's nohoanga entitlement.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

64. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
65. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

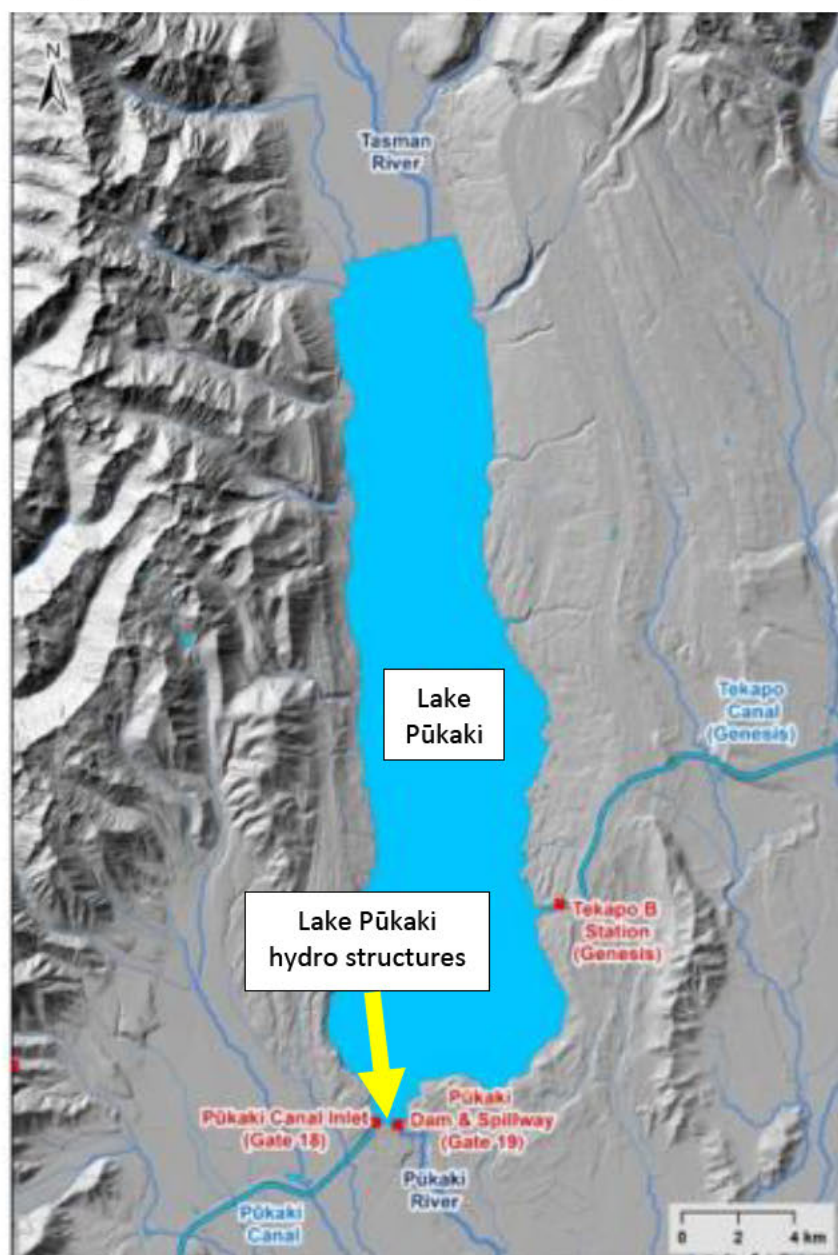
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	10, 11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	16, 17, 18
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	30
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	31-52
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	19
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	20, 53
19(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	20, 53
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	21, 53
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	22, 54
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	23, 24
18(2)(j)	<p>If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),</p> <p>(i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.</p>	25, 26, 55

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	27
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	56, 57, 58
18(2)(m)	The responsible agency's advice on whether there are significant rights and interests identified in the report and, as a result, it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	62, 63
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	59
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	61

Attachment 2: Project location maps

Map 1. Location of Lake Pūkaki hydro storage and structures



Map 2. Footprint of Lake Pūkaki hydro structures with dam armouring works shown in red



Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Te Rūnanga o Ngāi Tahu	Iwi authority (s18(2)(a)); Treaty settlement entity – Ngāi Tahu Claims Settlement Act 1998 (s18(2)(a))
Te Rūnanga o Arowhenua	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Rūnanga o Waihao	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Te Rūnanga o Moeraki	Ngāi Tahu Papatipu Rūnanga – Iwi authority (s18(2)(a)); Treaty settlement entity (s18(2)(a))
Aoraki Environmental Consultancy Limited	Entity owned by Papatipu Rūnanga (s18(2)(k))
Aukaha	Entity owned by Papatipu Rūnanga (s18(2)(k))

Attachment 4: Statutory Acknowledgement for Lake Pūkaki

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Pūkaki, the location of which is shown on Allocation Plan MD 35 (SO 19837).

Preamble

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Lake Pūkaki, as set out below.

Ngāi Tahu association with Lake Pūkaki

Pūkaki is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rakaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Pūkaki.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Pūkaki is referred to in Ngāi Tahu tradition as the basin that captures the tears of Aoraki: a reference to the meltwaters that flow from Aoraki into the lake in the spring time.

As well as its association with Aoraki, Pūkaki is also a mahinga kai, noted particularly for its water fowl. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Pūkaki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Lake Pūkaki, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- to empower the Minister responsible for management of Lake Pūkaki or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Lake Pūkaki as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

- this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Lake Pūkaki (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Lake Pūkaki.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Lake Pūkaki.

Schedule 34: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Attachment 5: Excerpt from Deed of Recognition for Lake Pūkaki

ATTACHMENT 12.100
DEED OF RECOGNITION FOR LAKE PŪKAKI, CANTERBURY
(Clause 12.3)

THIS DEED IS MADE ON

BETWEEN:

- (1) TE RŪNANGA O NGĀI TAHU (“Te Rūnanga”)
- (2) HER MAJESTY THE QUEEN in right of New Zealand acting by the Commissioner of Crown Lands (the “Crown”)

BACKGROUND

- A On [] Te Rūnanga and the Crown entered into a Deed of Settlement (the “Deed of Settlement”) recording the matters required to give effect to a settlement of all of the historical claims of Ngāi Tahu Whānui.
- B Pursuant to section [] of the Settlement Legislation (clause 12.3 of the Deed of Settlement), Te Rūnanga and the Crown agreed to enter into Deeds of Recognition acknowledging, on the terms identified below, Te Rūnanga’s statement of the cultural, spiritual, historic and/or traditional association on which the mana and tangata whenua status of Ngāi Tahu in relation to specific areas is based.

ACCORDINGLY, the parties acknowledge and agree as follows:

1 Specific Area of Lake Pūkaki

The area which is the subject of this Deed is the bed of the Lake known as Pūkaki (the “Area”) the location of which is shown on Allocation Plan MD 35 (SO Plan 19837). The Area is administered by the Commissioner of Crown Lands.

2 Cultural, Spiritual, Historic and/or Traditional Associations of Pūkaki

- 2.1 Pursuant to section [] of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga’s statement of Ngāi Tahu’s cultural, spiritual, historic and/or traditional association to Pūkaki as set out below.
- 2.2 Pūkaki is one of the lakes referred to in the tradition of ‘Ngā Puna Wai Karikari o Rakaihautu’ which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two. Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wairewa.

- 2.3 For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the Gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.
- 2.4 Draining into Takapo (Lake Tekapo) via Te Wai-a-te-Kamana, Whakarukumoana forms a part of the network of waterways and land-based mahinga kai in this part of the interior. This area was a part of the seasonal trail of mahinga kai and resource gathering, and hapū and whānau bonding. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the lake.
- 2.5 The lake was very productive, although the indigenous fishery has now been depleted. The warmer shallows are important habitats for tuna (eels) and indigenous fish which prefer such conditions. This rainfed lake is a habitat for upland bully, common bully, long finned eel and galaxids as well as introduced trout.
- 2.6 Waterfowl, including a range of duck species, crested grebe and weka (formerly) are another important mahinga kai associated with the lake. Flora gathered from land adjoining the lake included matagouri, taramea, tutu, tatarakeka, manuka, snowgrass, and raupo. The succulent kiore (polynesian rat) was once an important food resource, as was the moa.
- 2.7 The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.
- 2.8 The mauri of Whakarukumoana represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

3 Role of Te Rūnanga

- 3.1 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to those parts of the lake bed within the Area that are administered by the Commissioner of Crown Lands:
 - (a) the consideration of any application to the Crown for any rights for use or occupation (including any renewals) in relation to the Area, including the terms and conditions of rights of use or occupation.

3.2 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following matters concerning the management and administration of the land within the Area if at any time the Crown at its discretion, undertakes these activities:

- (a) the preparation of any plans, strategies or programmes for the protection and management of the area (including the involvement of Te Rūnanga in such plans, strategies, or programmes);
- (b) any survey to identify the number and type of uses which are appropriate in relation to the Area; and
- (c) any programme to eradicate noxious flora or fauna from the Area.

3.3 In order to enable Te Rūnanga to fulfil its role under clause 3.1 and 3.2, the Crown will:

- (a) inform Te Rūnanga of any applications to the Crown for rights or use or occupation (including any renewals) in relation to the Area (but retains the right to withhold commercially sensitive information); and
- (b) provide Te Rūnanga with relevant information to enable Te Rūnanga to consider and advise its views to the Crown on any matter on which it is consulted.

Attachment 6: Comments received from invited Māori groups

Comments from Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (Kā Rūnaka)



1 July 2025

Hon Chris Bishop
Minister for Infrastructure

From: Ben Williams / Rachel Robilliard
Direct: +64 3 353 0343 / +64 3 353 1234
Mobile: s 9(2)(a)
Email: [REDACTED]
Ref: 100519340/3453-5632-6459.1

Submitted to the Fast-track Portal

Tēnā koe,

COMMENTS ON LAKE PŪKAKI HYDRO STORAGE AND DAM RESILIENCE WORKS FAST-TRACK REFERRAL APPLICATION ON BEHALF OF TE RŪNANGA O AROWHENUA, TE RŪNANGA O WAIHAO, TE RŪNANGA O MOERAKI

- 1 This written response relates to the Lake Pūkaki Hydro storage and dam resilience works (*the Project*) Fast Track referral application sought by Meridian Energy Limited (*Meridian*).
- 2 This written response has been prepared by Chapman Tripp and Aoraki Environmental Consultancy Limited on behalf of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (collectively, *Kā Rūnaka*).
- 3 Overall, Kā Rūnaka are neutral towards the Project being referred into the Fast-track for the reasons set out in this letter.

Kā Rūnaka

- 4 Kā Rūnaka are three of the eighteen Papatipu Rūnanga of Ngāi Tahu who uphold the manawhenua and mana moana of their takiwā.
- 5 The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Ngāi Tuahuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Arowhenua marae is located near Te Umu Kaha (Temuka) and is situated near the historic Kāi Tahu kāika of Te Waiateruati and the well-known Arowhenua bush that sustained local Kāi Tahu. Arowhenua connects ancestrally to the waka Takitimu and Ārai-te-uru, the mauka Tarahoua and the awa Waitaki and Opihi. The Kāi Tahu name for The Main Divide is Kā Tiritiri-o-te-moana.
- 6 The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Manawhenua within the Waihao rohe whakapapa to Waitaha, Kāti Māmoe and Kāi Tahu. To these people Waihao is their tūrakawaewae; their home. The name Waihao refers to the hao eel, an important food resource obtained from the Waihao River that has its beginnings in the upland country behind the hills, Te Tari-a-Te-Kaumira (Hunter Hills). The hao eel, the life-stage of the short-fin eel, was and still is a delicacy to whanau who gather mahika kai from the Wainono Lagoon and the Waihao River.

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- 7 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). The interests of Te Rūnanga o Moeraki are concentrated in the Moeraki Peninsula area and surrounds, including Te Rakahineatea Pā, Koekohe (Hampden Beach), and Te Kai Hinaki (the Boulders Beach) with its boulders. In addition, the interests of the Rūnaka extend both north and south of the Moeraki Peninsula, within their takiwā.
- 8 Kā Rūnaka have engaged Chapman Tripp to coordinate the response to this application. AECL is the environmental entity mandated by Te Rūnanga o Arowhenua Society Inc to represent the environmental interests of Arowhenua.

The Project

- 9 The Project is an overall prohibited activity consisting of:
- 9.1 a temporary resource consent to operate Lake Pūkaki between 513 and 518m RL without restriction for approximately three years, which is a prohibited activity under Rule 12 of the Waitaki Catchment Water Allocation Regional Plan; and
- 9.2 rock armouring erosion protection works:
- (a) to discharge water or contaminants into surface water as a discretionary activity under Rule 5.100 of the Canterbury Land and Water Regional Plan;
 - (b) to extract gravel from the bed of a lake (including deposition of substances, excavation or other disturbance) as a discretionary activity until Rule 5.150 of the Canterbury Land and Water Regional Plan;
 - (c) to discharge dust into air as a non-complying activity under Rule 7.5 of the Canterbury Air Regional Plan.
- 10 The application also seeks a Wildlife Authority under the Wildlife Act 1953 for disturbance of lizard habitat, and the capture, holding and relocation of any lizards present to an alternative area of established habitat.
- 11 Lake Pūkaki and the Waitaki catchment is steeped in cultural and spiritual significance. All Kāi Tahu whakapapa to their tūpuna, Aoraki, who is at the heart of the creation traditions of Te Waipounamu (the South Island):

Pūkaki is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rakaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his



famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Pūkaki.

(Schedule 34 of the Ngāi Tahu Claims Settlement Act 1998).

- 12 Today, Pūkaki, and the Waitaki catchment, remains a place of significance. The Lake Pūkaki catchment is identified as a Rūnanga Sensitive Area, and the lake is a Statutory Acknowledgement Area due to its significant cultural, spiritual, historic, and traditional association for Ngāi Tahu.

- 13 The landscape is woven with memories and traditions, including mahika kai sites both past and present, taonga species, and sites of archaeological importance including rock art sites, pā and urupā. Iwi, hapū and whanau have an immense sense of belonging and connection to the whenua and a desire to enhance their connection to the Waitaki.

Consultation with Kā Rūnaka

- 14 As recorded in the referral application, Meridian sent a letter to the Chairs of Kā Rūnaka on 24 February this year, requesting initial feedback by 14 March. No feedback was provided at that time and no further contact has been made by Meridian to Kā Rūnaka in relation to the Project.
- 15 Regular consultation therefore has not occurred between Meridian and Kā Rūnaka in relation to this application. Kā Rūnaka have not had the benefit of directly discussing the Project with Meridian, and are yet to form a firm view on the Project until consultation has occurred.
- 16 Meridian discussed the need to lower lake levels in winter 2024 with Kā Rūnaka, who directed that Meridian engage with Aoraki Environmental Consultancy Limited to initiate the development of an environmental monitoring programme for when lake levels drop below 518m RL. These discussions commenced but were paused as lake levels began to rise.

Comments

- 17 As noted above, Kā Rūnaka are not in a position to confirm support or otherwise of the Project.
- 18 The application notes the potential for adverse effects relating to cultural values, air quality, water quality, ecology, groundwater, visual and landscape effects, erosion and dam integrity, which are of interest and importance to Kā Rūnaka. Kā Rūnaka also note the potential for effects on plan integrity, and precedent. Kā Rūnaka therefore consider that further consultation is required in order to form a view on, and input into, the Project.
- 19 As an overall prohibited activity, Kā Rūnaka understand that the Project cannot be progressed through an ordinary consenting process. On that basis, and acknowledging the importance of Lake Pūkaki for the electricity supply for Niu Tirenī / New Zealand, at this stage Kā Rūnaka are of a neutral position as to whether the application ought to be referred into the Fast-track process.



Nā māua noa, nā

Ben Williams / Rachel Robilliard

Partner / Senior Solicitor

Formal address for service of Kā Rūnaka:

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Te Rūnanga o Waihao
26 Māori Road
RD 10
Waimate 7980

Te Rūnanga o Moeraki
c/- Gail T. Tipa
117 Tirohanga Road
North Taieri 9092

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c/- Ben Williams and Rachel Robilliard
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60 Cashel Street
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Christchurch 8013
Email: s 9(2)(a)

Aoraki Environmental Consultancy Limited
PO Box 885
Timaru 7940

Email: s 9(2)(a)

Comments from Te Rūnanga o Ngāi Tahu



2 July 2025

Ilana Miller, General Manager Delivery and Operations
Ministry for the Environment
WELLINGTON

Uploaded through the Fast-track Portal

Tēnā koe Ilane,

Te Rūnanga o Ngāi Tahu comments on referral application under the Fast-track Approvals Act 2024 - Lake Pūkaki Hydroelectric Storage and Dam Resilience Works Project [REQ001530S8H2]

1. Introduction

- 1.1 Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) welcomes the opportunity to provide comments on the referral application made by Meridian Energy Limited (the **Applicant**) for the Lake Pūkaki hydroelectric storage and dam resilience works, in Te Manahuna (Mackenzie Basin) (the **Project**).
- 1.2 Te Rūnanga is neutral towards the Lake Pūkaki project being allowed to go through the fast-track approvals process and our comments on the Project are set out below (see **Section 3**). Te Rūnanga also supports the comments made by Te Rūnanga o Arowhenua, Te Rūnanga o Moeraki and Te Rūnanga o Waihao.

2. Te Rūnanga o Ngāi Tahu

- 2.1 These comments are made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is the statutorily recognised representative tribal body of Ngāi Tahu Whānui, as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**).
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their respective rohe.
- 2.3 Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā (see **Appendix One**) and has done so since before the Crown began exercising its powers in New Zealand from 1840. The Takiwā covers most of Te Waipounamu and its surrounding islands, constituting over half of New Zealand's landmass, coastlines and waterways. The Crown and Parliament recognise and affirm Ngāi Tahu rangatiratanga in our Takiwā through:

Te Rūnanga o Ngāi Tahu
15 Show Place, Addington, Christchurch 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

- a) Article II of Te Tiriti o Waitangi (**Te Tiriti**);
 - b) the 1997 Deed of Settlement between Ngāi Tahu and the Crown; and
 - c) the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**).
- 2.4 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning of a "new age of co-operation". The Crown apologised for its "past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries" and confirmed that "it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui". Those commitments are fundamental to the fast-track regime.
- 2.5 Te Rūnanga requests that the Minister accord these comments with the status and weight of the tribal collective of Ngāi Tahu Whānui comprising over 80,000 registered iwi members. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui "for all purposes", Te Rūnanga accepts and respects the right of Papatipu Rūnanga to make their own comments. Te Rūnanga understands that respective Papatipu Rūnanga and their Regional Environmental Entities have been separately invited to comment on the Lake Pūkaki Project.

3 Comments

- 3.1 Our comments on the referral application for the Lake Pūkaki Hydro Project are set out below:

Ngāi Tahu Settlement Statutory Acknowledgement and Nohoanga

- 2.1. The proposed application is within the Lake Pūkaki Statutory Acknowledgement. Ngāi Tahu association with Pūkaki is detailed in schedule 34 of the NTCSA (refer to **Appendix Three**) and includes important Ngāi Tahu histories and traditions that reinforce tribal identity and links to Aoraki.
- 2.2. Further, schedule 34 outlines that Lake Pūkaki is important for mahinga kai. Knowledge of the traditional trails, utilisation of resources associated with the area and the relationship of people with Pūkaki, continue to be held by whānau and hapū and remain important today.
- 2.3. The importance of the area for mahinga kai has also been recognised in other settlement provisions, through the allocation of land for the Lake Pūkaki Nohoanga Entitlement. The proposed "left abutment works", as shown in Appendix C of the application, is within 220 metres of this entitlement. Access to the entitlement is within the proposed area of works and machinery movement.
- 2.4. While the application has identified the Statutory Acknowledgment it has not identified the entitlement. Nor has it been discussed in the potential effects on cultural values.
- 2.5. The proposed site of this application is within the wider area, including the lake, that those utilising the entitlement would use for mahinga kai. Under settlement, Nohoanga Entitlements are to enable Ngāi Tahu Whānui to temporarily occur land (camp) close to water ways, to have access for fishing and gathering of natural resources, following in the traditions of Ngāi Tahu Tūpuna, within an area not just on the land parcel where the entitlement is located.

- 2.6. These entitlements are able to be used by Ngāi Tahu Whānui from 16 August to 30th April the following year. The application indicates works are likely to occur in winter but given the estimated 12 weeks for the rip rap works, there is a potential for an overlap of the rip rap works.

3. Decision Sought

- 4.1 Te Rūnanga thanks the Minister for the opportunity to comment on the referral application.
- 4.2 Whilst Te Rūnanga is does not have a position on the Lake Pūkaki Project being allowed to go through the fast-track approvals process, we seek that appropriate consideration is given to the provided comments.

Nuku noa nā,



Maru Rout
Programme Lead, Strategy and Environment
Te Rūnanga o Ngāi Tahu

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Lisa MacKenzie
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
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s 9(2)(a)

Cc:

Appendices:
Appendix One – Map of takiwā of Ngāi Tahu
Appendix Two – Crown Apology to Ngāi Tahu
Appendix Three- Statutory Acknowledgement- Lake Pūkaki

Attachment 7: Comments Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

FTAA-2503-1036 Lake Pūkaki Hydro Storage - Comment from Minister for Māori Development - Saved

Feedback · FTA - Feedback ▾

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General

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Related ▾

Feedback Details


Feedback ID

* FD8001306C8N6

Title

* FTAA-2503-1036 Lake Pūkaki Hydro Storage - Comment from Minister for Māori Development

Regarding

 [Draft Section 18 report for Minister's comments](#)


Comments

I support the application subject to:

- the applicant undertaking further consultation with Kā Rūnaka and Te Rūnanga o Ngāi Tahu, acknowledging that Lake Pūkaki is steeped in cultural and spiritual significance;
- the applicant acting consistently with the intent of TRONT's statutory acknowledgement and deed of recognition over Lake Pūkaki; and
- the applicant addressing the potential impacts of the application on TRONT's nohoanga entitlement.

Feedback Contacts


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 [Kahutaiki Torepe-Ormsby](#)


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Application

 [Lake Pukaki Hydro Storage and Dam Resilience Works](#)

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